

MINUTES
TOWN MEETING
November 5, 2018
Emmitsburg Town Office

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Elizabeth Buckman, Joseph Ritz III, Timothy O'Donnell, Glenn Blanchard and Clifford Sweeney, President. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; Amy Naill, Code Enforcement Officer; and Zachary Gulden, Town Planner.
Others Present – Deputy Ted Mostoller.

I. Call to Order

Commissioner Clifford Sweeney, President of the Board of Commissioners, called the November 5, 2018 town meeting to order at 7:30 p.m. EST. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Ritz requested the word “therefore” get removed from the fourth motion during the public hearing. Ms. Willets explained motions are recorded exactly as said. A spelling correction was requested. “Lot 2” was changed to “Lot 12” in two motions. **Motion:** To accept the October 1, 2018 town meeting minutes as amended. Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: Motion carries 5 - 0 in favor.

Motion: To accept the October 15, 2018 town meeting minutes as presented. Motion by Commissioner O'Donnell, second by Commissioner Ritz III. Vote: Motion carries 5 - 0 in favor.

Police Report:

Deputy Mostoller is late with prior notice. The report will be made later once the deputy arrives.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from September 2018 (exhibit in agenda). Ms. Willets mentioned staff prepared for Fallen Fire Fighters weekend by street sweeping and putting up banners. An expansion tank was added to the Community Park restrooms to increase water pressure. New toilets and fixtures will be installed during spring 2019. Regarding water, Rainbow Lake is at the spillway level of 16.6 feet. The average precipitation for the period from April 1 through September 30 is 25.15 inches, with a total of 53.85 inches of precipitation being received. 80.6% of wastewater treated was wild water. There was one sanitary sewer overflow due to the heavy rainfall on September 9 and 10 that was reported to MDE and Frederick County. The wastewater treatment plant's (WWTP) design capacity was exceeded twelve times. Regarding noteworthy items, pre-bid meetings for the pumping station were held November 3 and 4. The bids are due November 16. The forestry plan walkthrough will be held November 17 and the MML holiday dinner will be held December 5, 2018. The power surges at the WWTP are so quick and short there is not enough time for the generator to kick on. There are surge protectors. The Town is scheduled to have the sewer relining in January 2019. Commissioner O'Donnell requested town staff drive around Town and straighten crooked signs and have the traffic islands cleaned of weeds, debris and gravel in Silo Hill as you exit Jubilee and the south side of the bridge over Route-15.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from September 2018 (exhibit in agenda). Mr. Gulden attended the Board of Appeals meeting on September 17 for a variance request for a car port, which was denied. He also attended the town meeting on September 4. He prepared a memo for the public hearing regarding the zoning map amendment request for Lots 10, 11, 15, and the western half of 12 in Emmet Gardens (600/602 East Main Street). He met with the Sustainable Communities Board on September 10 and 21 to review the Community Legacy Grant applications for 30 West Main Street and 224 East Main Street. He hosted a stormwater training event for town staff on September 11 and assisted Advanced Land & Water as they mapped the existing Town stormwater pipes, outfalls, inlets, stormwater BMPs, and illicit discharge screening locations.

Commissioner Comments:

- Commissioner O'Donnell: He congratulated the Catoctin High School Varsity Field Hockey team on their season. He attended a two day NICA race event. He thanked town staff and the Mayor for their work on the Timbermill Run sidewalk extension. A resident requested trees get planted along Brookfield Road.
- Commissioner Ritz III: He congratulated the Catoctin Football team on their season. He was able to meet with Wayne Green, Main Saint Mary's Chief of Staff, regarding noisy students near his home. The problem has been resolved and the meeting went well. He encouraged anyone with problems to contact Mr. Green.
- Commissioner Buckman: She requested more shade trees at the dog park. The annual Turkey Trot is on Thanksgiving morning. Proceeds go to the Seton Center. She encouraged the public to participate in the run/walk or to volunteer.

- **Commissioner Blanchard:** He encouraged residents to attend the Veteran's Day celebration on November 11. The Honor Guard will not be firing blanks during the church services in Town. Town staff will post notices regarding the firing of the blanks online and on several buildings in Town.
- **Commissioner Sweeney:** He thanked everyone for their help with the Halloween parade. The Lions Club will be hosting a free Christmas party on December 8th, 10:00 a.m. to 1:00 p.m. at the Emmitsburg Senior Center. The event will feature crafts, Santa, hot chocolate and hot dogs.

Mayor's Comments:

Mayor Briggs attended numerous meetings in October 2018 (meetings listed in agenda packet). He attended the Catocin High School homecoming parade, McDonalds grand opening, National Fallen Fire Fighters Memorial weekend service and Maryland Municipal League fall conference. He accepted the Town's first international award from the International Society of Arboriculture for the Town's tree planting efforts in April 2018. The Town also received a 2018 Frederick County Municipalities Impact Award for Infrastructure and Large Projects regarding the Main Street improvements and a plaque for the 2018 Sustainable Maryland Recertification. Mayor Briggs showed all the awards. The Town also received grant funds from Program Open Space and Community Legacy for the building of an American with Disabilities Act (ADA) compliant playground, which the Town has almost raised all the money for. In addition, another \$50,000 was received for the Façade Restoration Program.

Commissioner Sweeney requested consent from the Board to move the wayside exhibits to agenda item one and the trailers ordinance to agenda item number two. Commissioner O'Donnell requested the trailer ordinance get moved to agenda number one and the wayside exhibit as number two instead; the Board gave consent.

Public Comments:

None.

Administrative Business:

- I. **Proposed Trail Volunteer Days:** Commissioner O'Donnell would like consent from the Board to make November 18, 2018 and December 1, 2018 trail workdays for the multi-user trails in the Emmitsburg Watershed. The Board gave consent. Ms. Willets requested Commissioner O'Donnell send the dates to town staff for posting online. The Town also received a \$40,000 grant for the trails, which Commissioner O'Donnell would like to have as an agenda item at the next town meeting.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O'Donnell presented the Treasurer's Report for October 2018 (exhibit in agenda packet). The operating balance forward is \$5,407,081. There were no questions from the Board.

Planning Commission Report:

Commissioner Blanchard presented the Planning Commission Report from October 29, 2018. At the meeting John Howard's resignation was accepted, Mark Long was elected secretary, Frank Davis was elected vice-chair, Joyce Rosensteel resigned as secretary. There was a discussion over the preliminary subdivision plat of Section 3, Lots 3 and 4 and the remainder of Silo Hill that was conditionally approved. The area in question is the area behind the Silo Hill carwash, which is in the preliminary discussion phases for the area possibly becoming a small strip mall.

II. Agenda Items

Agenda #4 - Update Ordinance Related to Trailers 15.24 for Discussion and Consideration: Mr. Gulden read the memo on ordinance 18-17 and explained C-containers (shipping storage structures) are not allowed as a storage shed in any zoning district per Title 15 of the Town Code. Ms. Willets read an email from John Picco, Frederick County Department of Permits and Inspections, stating the County's decision to now allow C-containers as an accessory storage structure or as a load bearing building component of a structure. Mr. Gulden explained even if the proposed ordinance was adopted before the Board, there would still be one property violating the Town Code, Quality Tire, because it is located within the B-2 commercial zone, which does not allow trailers. Ms. Willet stated the Town cannot spot zone by choosing to allow Quality Tire to have trailers, but not allowing other B-2 properties. Gary Hessong, Frederick County Planning, has stated they would possibly consider allowing C-containers on a case-by-case basis. If the ordinance is approved, a building permit would still be needed from the County, which may or may not be approved. A screen, vegetation or fence, would be needed in the B-2 zone. Town staff will check with the

town attorney to see if attaching a vehicle to the trailer would be an allowable exception. The Board discussed possible screens for the C-containers, which town staff recommended the Board direct town staff to contact the town attorney regarding acceptable screens and enclosures. Per the Town Code, the max height of a fence is 6-feet. The proposed ordinance states “a trailer may be used as a storage shed in an industrial zone if it is not visible from any adjoining residential area.” The word “adjoining” can be changed by the Board to another term if desired.

Barbara Entwistle, Attorney, 37 West Middle St Gettysburg PA – She explained the location of Quality Tire is unclear and it could be located in the industrial zone. She stated Frederick County does not prohibit trailers so she would like the Board to pass the ordinance allowing storage containers in the industrial zone.

Jay Swope, 209 Sand Spring Lane Thurmont MD - He owns two properties in the industrial park and explained the expense of putting a building up would be costly to his business. He is requesting the Board pass the ordinance.

Ron Walter, 7324D Kelly's Stone Road Thurmont MD - He explained the State requires his company recycle all used tires. He needs to place them in an enclosed container for transportation. The Board stated support of the ordinance. Mayor Briggs stated support too.

Motion: To accept the ordinance as presented.

Motion by Commissioner O'Donnell, second by Commissioner Buckman. Vote: Motion carries 5 - 0 in favor. The Board would like additional information on allowing C-containers in the B-2 zone in the future. Commissioner Ritz III asked if the fees can be refunded to the businesses fined for the C-containers. Ms. Willets explained the Town only pursued fines against Bollinger Construction for the setbacks and for building a structure without a permit. Town staff did not enforce the fines for the C-containers because the item was coming before the Board. Town staff can contact the town attorney about possibly refunding any C-container fines that were paid (if any).

Police Report:

Deputy Ted Mostoller reviewed the police report for October 2018 (exhibit attached). Regarding the trucks speeding on West Main Street mentioned at the prior town meeting, the deputies have not clocked any trucks going over 30 MPH but will contact one of the main trucking companies that goes through Town regarding the concerns. There are new phone scams occurring; call the deputies if you experience one. He encouraged residents to have a plan for holiday package delivery to deter theft. Anyone with information on the South Seton Avenue bridge graffiti, the bridge near the post office, is asked to come forward.

Agenda Items Continued:

Agenda #1- Update on MHAA Wayside Exhibit Signs: Ruth Bielobocky, Ion Design Firm, and Scott Grove, Grove Public Relations LLC introduced themselves. They've been working together on similar projects for 20 years. Ms. Bielobocky explained the term “wayside exhibit” was created by the National Parks service to describe educational signs that tell the reader about an exhibit or artifact. The Town is working on three wayside exhibits that will be placed at the Town Square, Emmet House and Doughboy Statue. Many of the signs focus on the Civil War because grant funding was received from the Civil War Heritage Area. For the *America Goes to War* sign (Doughboy Statue sign) Commissioner Blanchard stated Francis Elder was temporarily buried in the Cousevove Woods before being moved to Saint Joseph's Cemetery in Emmitsburg. For the *Town Square* sign, Commissioner O'Donnell requested “Jeb Stuart” be changed to “J.E.B.,” “Calvary” be changed to “Cavalry” and “the reenactment of the Civil War battle, Pickett's Charge” get changed to “Battle of Gettysburg.” He also requested shorter sentences with less runs and a review of the signs punctuation. Regarding the *America Goes to War* sign, Commissioner Ritz III stated “Lewis H. Stoner” should be “Louis H. Stoner.” The Board requested the removal of “...the segregation laws and prevailing...” Also, language explaining where the term Doughboy came from, even though it's not fully known. The contractors have been working closely with Michael Hillman, local historian, who has reviewed all the signs prior to the town meeting. There were no corrections regarding the *Emmet House* sign. The Mayor explained the three (3) signs are the beginning of a historic walking tour the Town hopes to develop in the future, which will incorporate more sites. For the *Town Square* sign, the Board discussed using the term “skirmish” instead of “encounter,” which the contractors stated international visitors might not understand. The Board discussed having a QR code scanner that would link the signs to an online website via a sticker on each exhibit. Ms. Bielobocky will get an estimate for the QR sticker, but town staff would need to set-up and maintain the linked website. Corrections will come back to the Board at a future meeting. Sign fabrication will occur after the Board gives final approval. Signs must be installed and the final report submitted by July 31, 2019.

Agenda #2- Tree Care Ordinance for Consideration: Ms. Willets explained the draft tree care ordinance is required to become Tree City USA certified. The ordinance can have additional care requirements added at a future date, which would make the town eligible for a growth award. Ms. Shaw explained getting certified will get the Town 15 points toward Sustainable Maryland recertification in the future. The Town can apply for Tree City USA certification after it completes four items: [1] pass a Arbor Day proclamation (completed April 2018), [2] create a

Tree Board (the Emmitsburg Green Team will suffice per DNR, does not need to be formalized), [3] pass a tree care ordinance, and [4] have a \$2 per capita budget spent on public tree care. Ms. Willets explained John Clapp, Town Attorney, reviewed and wrote the ordinance and recommended it be placed under Health and Safety, Title 8. Ms. Willets read the ordinance aloud, which is in compliance with the State tree care laws. The ordinance is not intended to restrict property rights, but eliminate trees and branches that can be a public hazard. The recommended tree species were given to staff from DNR. Town staff explained residents are encouraged to reach out to the community for help if they feel they need assistance in fixing a code violation, but the resident needs to initiate the help.

Motion: To approve the ordinance as presented.

Motion by Commissioner Buckman, second by Commissioner Blanchard. Vote: Motion carries 5 - 0 in favor.

Agenda #3- Municipal Separate Storm Sewer Systems (MS-4) Update by Staff: Mr. Gulden presented the MS-4 update. He explained excess stormwater can damage wildlife, lead to flooding and deposit chemicals and fertilizers into water sources. Per the State of Maryland, the Town is required to pursue control measures as part of the Chesapeake Bay Restoration Program. Action items completed include adding a stormwater management page to the town website, distributing educational literature (newsletters, brochures, flyers), hosting a tree planting event on Willow Rill, hosting a community clean-up day, initiating a cigarette litter prevention program and selling several compost bins. In addition, the Town has also completed an illicit discharge detection and elimination plan. Future action items are creating standard operating procedures, estimated to cost \$7,500, with an inspection checklist, procedures for identifying illegal dumping and screening 20% of the total outfalls per year (among other items). The Town anticipates the cost of screening 20% of outfalls up to 100 to be \$5,500 per year. The Town must also maintain a pre/post construction site stormwater runoff control, which Frederick County implements. Town staff must take an annual training on pollution prevention, which is anticipated to cost between \$500 and \$1,000. A Pollution Prevention Plan was written by Mr. Gulden and distributed to all employees. In 2019, the Town must develop a baseline impervious assessment, which is estimated to cost about \$19,000. The Town must treat 20% of impervious surfaces. Future projects should include stream restorations, stormwater basin retrofitting and rain gardens. Projects must be completed by 2023 or the Town faces penalties of up to \$10,000 per violation per day. Town staff recommends including expenses in the fiscal year 2020 budget. There are some grants available, which town staff has been researching and applying for.

Set Agenda Items for December 4, 2018 Town Meeting

1. Chamber of Commerce Presentation.
2. Holiday Parking for Consideration.
3. Revised Ethic Procedures for Consideration.
4. Amended Record Retention Policy for Consideration (Tentative).
5. Presentation on the Trailers Related to B-2 Zoning for Discussion.
6. Update Board on Recreational Trails Program (RTP) \$40,000 Grant and Request Staff Manage Grant for Discussion and Consideration.

The Board members all gave consent for the December 4, 2018 town meeting agenda.

Motion: To adjourn the town meeting.

Motion by Commissioner Ritz III, second by Commissioner Buckman. Vote: Motion carries 5-0 in favor.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, the November 5, 2018 town meeting was adjourned at 10:45 p.m. EST.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On: December 4, 2018